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13 Attorneys for Plaintiff,
14 Marie Veneracion

15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION

18 Marie Veneracion,

19 Plaintiff,

20 vs.

21 Wilshire Consumer Loans LLC,

22 Defendant.
23

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

- 1. THE TELEPHONE CONSUMER PROTECTION ACT;**
- 2. THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

JURY TRIAL DEMANDED
24
25
26
27
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1 Plaintiff, Marie Veneracion (hereafter “Plaintiff”), by undersigned counsel,
2 brings the following complaint against Wilshire Consumer Loans LLC (hereafter
3 “Defendant”) and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”), and repeated
8 violations of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788,
9 *et seq.* (“Rosenthal Act”).
10

11 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
13

14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
17

18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Long Beach, California, and is
20 a “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
21

22 5. Plaintiff is a “debtor” as defined by Cal. Civ. Code § 1788.2(h).
23

24 6. Defendant is a business entity located in Beverly Hills, California, and is
25 a “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
26 1788.2(g).
27
28

1 7. Defendant, in the ordinary course of business, regularly, on behalf of
2 itself or others, engages in the collection of consumer debts, and is a “debt collector”
3
4 as defined by Cal. Civ. Code § 1788.2(c).

5
6 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7 8. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
8 be owed to Defendant.

9
10 9. Plaintiff’s alleged obligation arises from a transaction in which property,
11 services or money was acquired on credit primarily for personal, family or household
12 purposes and is a “consumer debt” as defined by Cal. Civ. Code § 1788.2(f).

13
14 10. At all times mentioned herein where Defendant communicated with any
15 person via telephone, such communication was done via Defendant’s agent,
16 representative or employee.

17
18 11. At all times mentioned herein, Plaintiff utilized a cellular telephone
19 service and was assigned the following telephone numbers: 562-XXX-4696 and 310-
20 XXX-7624 (hereafter “Numbers”).

21
22 12. Defendant placed calls to Plaintiff’s Numbers in an attempt to collect a
23 debt.

24
25 13. The aforementioned calls were placed using an automatic telephone
26 dialing system (“ATDS”) and/or by using an artificial or prerecorded voice
27 (“Robocalls”).
28

1 14. When Plaintiff answered Defendant's calls, she was met with a
2 significant period of silence before Defendant's automated system attempted to
3 connect Plaintiff with a live representative.
4

5 15. On other occasions when Plaintiff answered Defendant's calls, she heard
6 a prerecorded voice that announced Defendant's name, and then the call would
7 disconnect.
8

9 16. On other occasions when Plaintiff answered Defendant's calls, she heard
10 a significant period of silence, and then the call would disconnect.
11

12 17. On or about January 16, 2018, Plaintiff spoke with a live representative
13 and requested that Defendant cease all further calls to her number ending in 4696.
14

15 18. Plaintiff reiterated this request on or about January 30, 2018.

16 19. In February of 2018, Plaintiff spoke with a live representative and
17 requested that Defendant cease all further calls to her number ending in 7624.
18

19 20. Ignoring Plaintiff's requests, Defendant continued to call her Numbers
20 using an ATDS at an excessive and harassing rate.
21

22 21. On March 27, 2018, Plaintiff's counsel sent a certified demand letter and
23 draft complaint to Defendant, advising of representation and instructing Defendant to
24 cease all calls to both of Plaintiff's Numbers.
25

26 22. Defendant received the certified letter on April 2, 2018.

27 23. Nevertheless, Defendant continued to place calls to both of Plaintiff's
28 Numbers.

1 E. Costs of litigation and reasonable attorneys' fees pursuant to Cal. Civ.

2 Code § 1788.30(c);

3
4 F. Punitive damages; and

5 G. Such other and further relief as may be just and proper.

6
7 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

8
9
10 DATED: May 23, 2018

TRINETTE G. KENT

11 By: /s/ Trinette G. Kent

12 Trinette G. Kent, Esq.

13 Lemberg Law, LLC

14 Attorney for Plaintiff, Marie Veneracion